

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

OASBY GILLIAM,

Petitioner,

v.

DEIRDRE BATTAGLIA,

Respondent.

Case No. 05-cv-803-JPG

**MEMORANDUM AND ORDER**

This matter comes before the Court on the Report and Recommendations (hereinafter “R&R”) (Doc. 20) of Magistrate Judge Donald G. Wilkerson, wherein he recommends, *inter alia*, that the Court deny Petitioner Oasby Gilliam’s Petition for Writ of Habeas Corpus (Doc. 1) and dismiss this case. The time for objections has passed, and no objections have been filed.<sup>1</sup> For the following reasons, the Court **ADOPTS** the R&R in its entirety.

After reviewing a magistrate judge’s report and recommendation, the Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in the report. Fed. R. Civ. P. 72(b). The Court must review *de novo* the portions of the report to which objections are made. The Court has discretion to conduct a new hearing and may consider the record before the magistrate judge anew or receive any further evidence deemed necessary. *Id.* “If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error.” *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

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<sup>1</sup>Gilliam has not filed an objection despite his granted request for an extension to file same.

The Court has received no objection to the R&R. The Court has reviewed the entire file and finds that Magistrate Judge Wilkerson's R&R is not clearly erroneous. Accordingly, the Court hereby **ADOPTS** the R&R in its entirety (Doc. 20). Specifically, the Court **ORDERS** that Terry McCann, the current warden of Stateville Correctional Center, be substituted for Respondent Deirdre Battaglia. Further, the Court **DENIES** Gilliam's Petition for Writ of Habeas Corpus (Doc. 1) and **DISMISSES** this case **with prejudice**. *See, e.g., Lilly v. Evans*, Civil No. 05-728-GPM, 2007 WL 4293163, \*1 (S.D. Ill. Dec. 3, 2007) (denial of habeas corpus petition on the merits dictates dismissal with prejudice). The Court **DIRECTS** the Clerk of Court to enter judgment accordingly.

**IT IS SO ORDERED**  
**DATED: December 10, 2009**

s/ J. Phil Gilbert  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**